

IN RE: PETITION FOR ADMIN. VARIANCE  
S/S Denberg Road, 835' W of  
Pheasant Cross Drive  
(7216 Denberg Road)  
3rd Election District  
2nd Councilmanic District  
Michael I. Brooks, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 93-231-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the owners of the subject property, Michael I. and Gail G. Brooks. The Petitioners request relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section 205.3 of the 1963 Regulations) to permit a side yard setback of 8 feet in lieu of the minimum required 15 feet for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 18th day of February, 1993 that the Petition for Administrative Variance request relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section 205.3 of the 1963 Regulations) to permit a side yard setback of 8 feet in lieu of the minimum required 15 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TWK:bjs

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

February 18, 1993

Mr. & Mrs. Michael I. Brooks  
7216 Denberg Road  
Baltimore, Maryland 21209

RE: PETITION FOR ADMINISTRATIVE VARIANCE  
S/S Denberg Road, 835' W of Pheasant Cross Drive  
(7216 Denberg Road)  
3rd Election District - 2nd Councilmanic District  
Michael I. Brooks, Jr., et ux - Petitioners  
Case No. 93-231-A

Dear Mr. & Mrs. Brooks:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TWK:bjs

cc: People's Counsel

File

## Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 7216 Denberg Road  
which is presently zoned UR2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1 (205.3-1963)

To allow side setback of 8' in lieu of the required 15' regulations)

of the Zoning Regulations of Baltimore County in the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty):  
The dimensions of the lot and the way the house is situated upon it create a practical difficulty in that without a variance of the 15' side yard set back, the house could not be expanded.

Property is to be posted and advertised as prescribed by Zoning Regulations.  
I, or we, agree to pay expenses of above variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Leasee  
(Type or Print Name)  
Signature  
Address  
City State Zipcode  
Attorney for Petitioner  
(Type or Print Name)  
Signature  
Address  
City State Zipcode  
Phone No.  
Name, Address and phone number of legal owner (contact purchaser or representative if not completed)  
7216 Denberg Road, 484-4796  
Baltimore, Maryland 21209  
Michael I. Brooks  
7216 Denberg Road 484-4796 (evening)  
484-6900 (day)

A Public Hearing having been requested and/or I, and to be requested if so ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, I hereby certify that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be posted.

REVIEWED BY: 60 DATE: 1/14/93  
ESTIMATED FILING DATE: 1-21-93  
Zoning Commissioner of Baltimore County  
ITEM # 238

## Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) have competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 7216 Denberg  
Baltimore, Maryland 21209  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)

Petitioners desire to expand their residence of 20 years to accommodate their family's changing housing needs. The dimensions of the lot and the way the house is situated upon it create a practical difficulty in that without a variance of the 15' side yard setback, the house could not be expanded.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

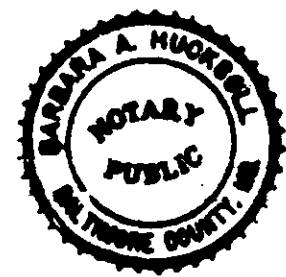
*Michael I. Brooks*  
Michael I. Brooks  
Type or print name  
*Gail G. Brooks*  
Gail G. Brooks  
Type or print name

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:

I HEREBY CERTIFY, this 11th day of January, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared  
*Michael Brooks & Gail G. Brooks*

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal:  
January 11, 1993  
*Barton A. Hucksell*  
My Commission Expires: 3/1/93



93-231-A

ZONING DESCRIPTION  
7216 DENBERG ROAD  
3RD ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND

BEGINNING AT A POINT ON THE SOUTH SIDE OF DENBERG ROAD, 50 FEET WIDE AT THE DISTANCE OF 835 FEET, MORE OR LESS, WEST OF THE CENTERLINE OF PHEASANT CROSS DRIVE, 50 FEET WIDE, BEING LOT #13, BLOCK O, SECTION #3 IN THE SUBDIVISION OF GREEN GATE AS RECORDED IN BALTIMORE COUNTY PLAT BOOK #35, FOLIO #116, CONTAINING 17,600 SQUARE FEET. ALSO KNOWN AS 7216 DENBERG ROAD AND LOCATED IN THE THIRD ELECTION DISTRICT.

DENBERG.ZON

## CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 3rd  
Posted for: Kotroco  
Petitioner: Michael & Gail Brooks  
Location of property: 315 (7216) Denberg Rd. 835' W of Pheasant Cross Dr.  
Location of Sign: Along Roadway on property of Petitioner  
Remarks:  
Posted by: Michael Brooks  
Number of Signs: 1  
Date of return: 1/22/93

Baltimore County  
Zoning Administration & Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

93-231-A receipt

DATE: \_\_\_\_\_  
PUBLIC HEARING FEES: \_\_\_\_\_  
ZONING VARIANCE FEE: \_\_\_\_\_  
POSTING SIGN: \_\_\_\_\_  
LAST NAME OF OWNER: \_\_\_\_\_  
CASHIER VALIDATION: \_\_\_\_\_  
Please Make Checks Payable To: Baltimore County  
040080001010000 485.00  
04 201010000114-93

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

February 4, 1993

(410) 887-3353

Mr. and Mrs. Michael I. Brooks  
7216 Denberg Road  
Baltimore, MD 21209

RE: Case No. 93-231-A, Item No. 238  
Petitioner: Michael I. Brooks, et ux  
Petition for Administrative Variance

Dear Mr. and Mrs. Brooks:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on January 14, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

DPW/Developers Engineering Division (Public Services)  
Development Review Committee Response Form  
Authorized signature: *David L. K...* Date: 2/1/93

Project Name: Francis M. and Phyllis K. Coppersmith  
File Number: 236  
Meeting Date: 1-25-93  
Zoning Issue: NC

DED DEPRM RP STP TE  
John W. Armacost, Jr., Trustee  
237  
NC

DED DEPRM RP STP TE  
Michael I. and Gail G. Brooks  
238  
NC

DED DEPRM RP STP TE  
Steven E. Meconi  
242  
NC

DED DEPRM RP STP TE  
Richard P. and Lenore E. Koors  
243  
NC

DED DEPRM RP STP TE  
Charles H. and Beatrice G. Payne  
245  
NC

DED DEPRM RP STP TE  
Carl T. and Edward V. Julio  
246  
NC

COUNT 9  
251  
NC

90476 Stonegate at Patapsco (Aerial Property)  
ZON DED TE (Waiting for developer to submit plans first)  
COUNT 1  
FINAL TOTALS  
COUNT 20  
\*\*\* END OF REPORT \*\*\*

Maryland Department of Transportation  
State Highway Administration  
O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrative

1-20-93

Ms. Julie Winiarski  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: \* 238 (LEO)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,  
for Bob Small  
John Contestabile, Chief  
Engineering Access Permits  
Division

My telephone number is 410-333-1350  
Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5042 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

OP2/Strategic Planning (Design Review Section)  
Development Review Committee Response Form  
Authorized signature: *David L. K...* Date: 01/27/93

Project Name: Connelly Funeral Home  
File Number: 230  
Meeting Date: 1-19-93  
Zoning Issue: Comment

DED DEPRM RP STP TE  
Orville M. Jones  
231  
NC

DED DEPRM RP STP TE  
Louis A. Slavotinek  
232  
NC

DED DEPRM RP STP TE  
Jack J. Basel  
234  
NC

COUNT 10  
G & R No. 3, Inc.  
233  
Comment 1-25-93

DED DEPRM RP STP TE  
Congregation Darchei Tzedek, Inc.  
235  
NC

DED DEPRM RP STP TE  
Francis M. and Phyllis K. Coppersmith  
236  
NC

DED DEPRM RP STP TE  
John W. Armacost, Jr., Trustee  
237  
NC

DED DEPRM RP STP TE  
Michael I. and Gail G. Brooks  
238  
NC

DED DEPRM RP STP TE  
Steven E. Meconi  
242  
NC

DED DEPRM RP STP TE  
Richard P. and Lenore E. Koors  
243  
NC

DED DEPRM RP STP TE  
Charles H. and Beatrice G. Payne  
245  
NC

DED DEPRM RP STP TE  
Carl T. and Edward V. Julio  
246  
NC

COUNT 9  
Stonegate at Patapsco (Aerial Property)  
ZON DED TE (Waiting for developer to submit plans first)  
COUNT 1  
FINAL TOTALS  
COUNT 20  
\*\*\* END OF REPORT \*\*\*

DPW/Traffic Engineering  
Development Review Committee Response Form  
Authorized signature: *Ralph J. Famil...* Date: 2/1/93

Project Name: Francis M. and Phyllis K. Coppersmith  
File Number: 236  
Meeting Date: 1-25-93  
Zoning Issue: N/C

DED DEPRM RP STP TE  
John W. Armacost, Jr., Trustee  
237  
N/C

DED DEPRM RP STP TE  
Michael I. and Gail G. Brooks  
238  
N/C

DED DEPRM RP STP TE  
Steven E. Meconi  
242  
N/C

DED DEPRM RP STP TE  
Richard P. and Lenore E. Koors  
243  
N/C

DED DEPRM RP STP TE  
Charles H. and Beatrice G. Payne  
245  
N/C

DED DEPRM RP STP TE  
Carl T. and Edward V. Julio  
246  
N/C

COUNT 9  
251  
N/C

90476 Stonegate at Patapsco (Aerial Property)  
ZON DED TE (Waiting for developer to submit plans first)  
COUNT 1  
FINAL TOTALS  
COUNT 20  
\*\*\* END OF REPORT \*\*\*

Baltimore County Government  
Fire Department  
700 East Joppa Road Suite 901  
Towson, MD 21286-5500  
(410) 887-4500

JANUARY 25, 1993

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: MICHAEL I. BROOKS AND GAIL G. BROOKS  
Location: #7216 DENBERG ROAD  
Item No.: \*238 (LEO) Zoning Agenda: JANUARY 25, 1993

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Carl Jablon*  
Planning Group  
Special Inspection Division

JP/KEK

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
111 West Chesapeake Avenue  
Towson, MD 21204  
JAN 22 1993  
(410) 887-3353

Michael and Gail Brooks  
7216 Denberg Road  
Baltimore, Maryland 21209

Re: CASE NUMBER: 93-231-A  
LOCATION: S/S Denberg Road, 835' W of Pleasant Cross Drive  
7216 Denberg Drive  
3rd Election District - 2nd Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a reaffirmation regarding the administrative process.

1) Your property will be posted on or before January 31, 1993. The closing date (February 16, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an order will issue. This order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

*Carl Jablon*  
Arnold Jablon  
Director

Dr. & Mrs. Edward Goldberg  
7213 Denberg Road  
Baltimore, Maryland 21209

January 5, 1993

Zoning Commissioner of Baltimore County  
County Office Building  
Towson, Maryland 21204

Re: Petition for Administrative Variance  
Property of Michael I. & Gail G. Brooks  
Located at 7216 Denberg Road

Dear Sir:

We are writing to express our Support of an Administrative Variance requested by Michael & Gail Brooks for their property at the above-captioned address. We understand that the Brooks intend to construct an addition to the side of their house which is directly across street from our property. When completed, the addition of approximately twelve feet by thirty-six feet (12' x 36') would be as close as seven feet (7') to the side property line at its closest point. We and the Brooks have been neighbors for almost twenty years at this location, and we thereby support their request, realizing that to deny same could possibly lead to their moving, since the house as presently constructed no longer meets the needs of their family.

Sincerely,  
*Dr. Edward Goldberg*  
Dr. Edward Goldberg  
Mrs. Ellen Goldberg

Mr. & Mrs. Willard Kravitz  
7214 Denberg Road  
Baltimore, Maryland 21209

January 5, 1993

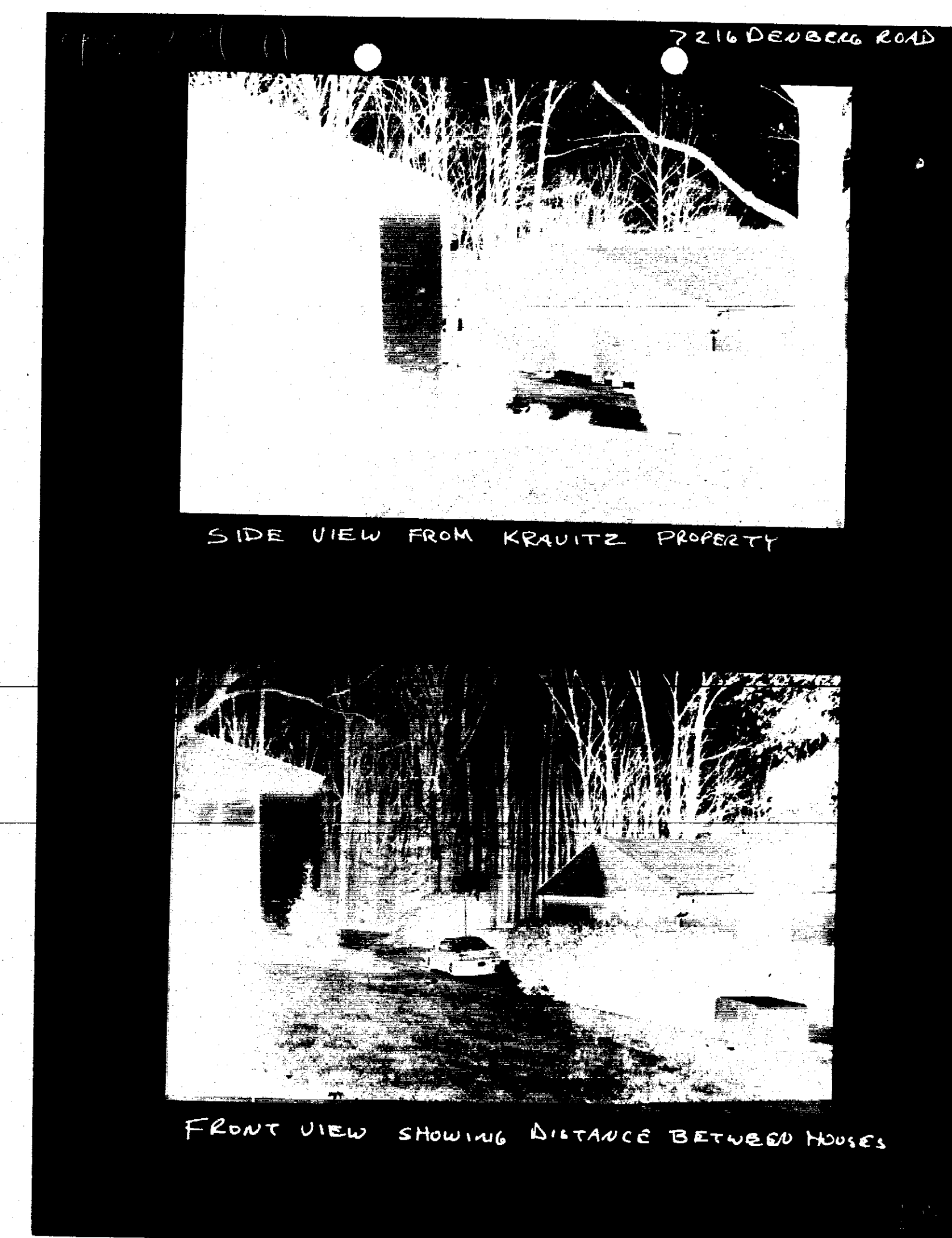
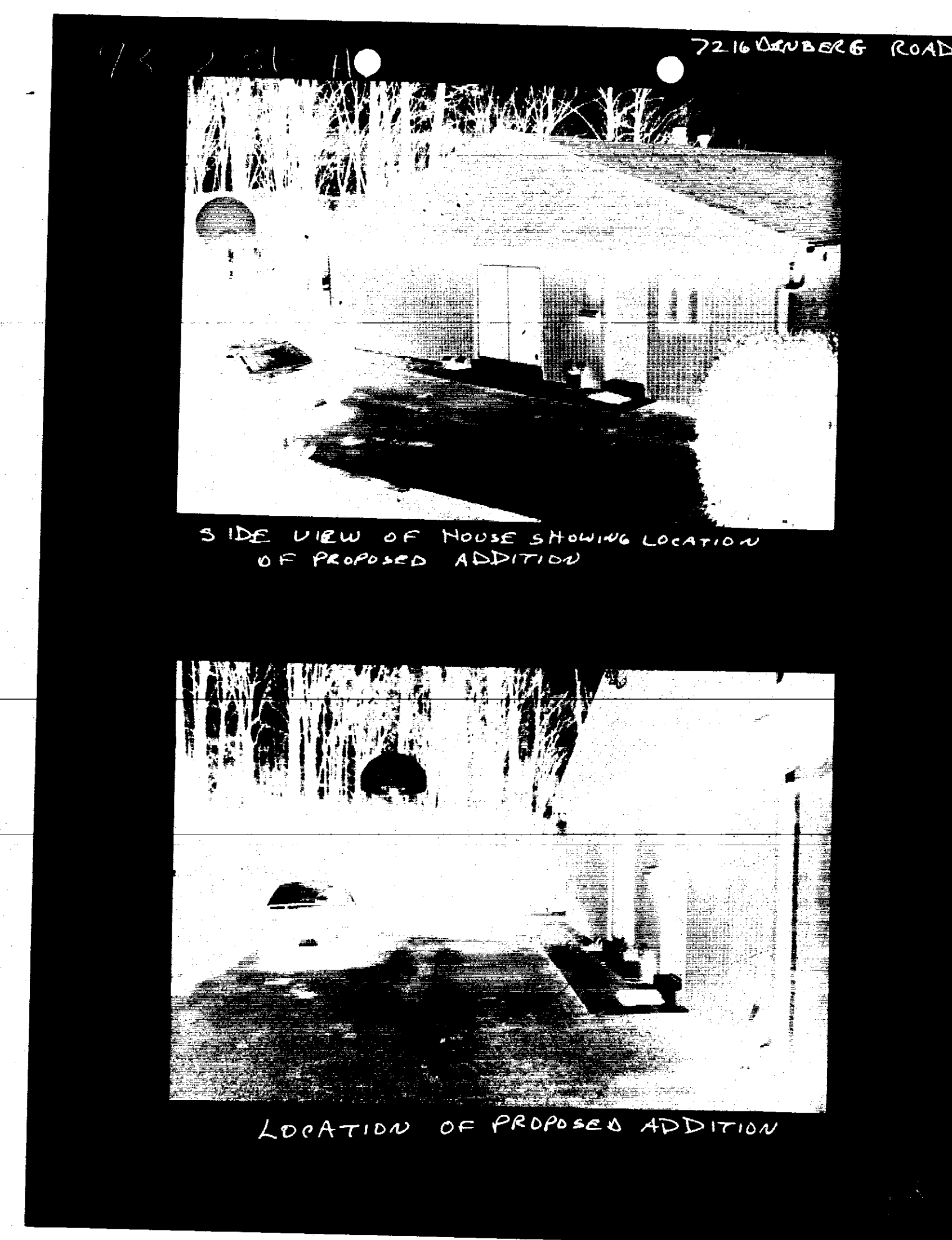
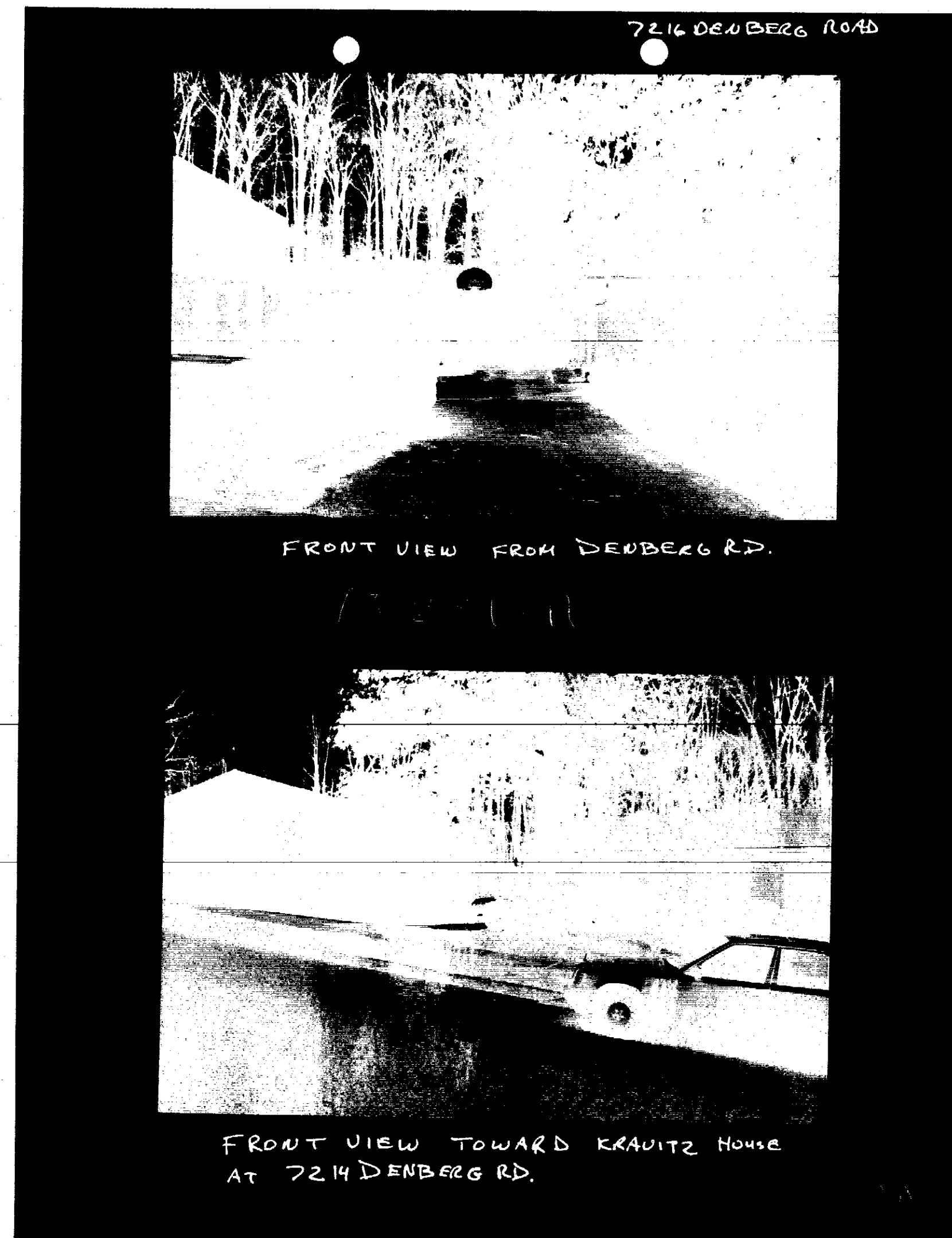
Zoning Commissioner of Baltimore County  
County Office Building  
Towson, Maryland 21204

Re: Petition for Administrative Variance  
Property of Michael I. & Gail G. Brooks  
Located at 7216 Denberg Road

Dear Sir:

We are writing to express our Support of an Administrative Variance requested by Michael & Gail Brooks for their property at the above-captioned address. We understand that the Brooks intend to construct an addition to the side of their house closest to our property. When completed, the addition of approximately twelve feet by thirty-six feet (12' x 36') would be as close as seven feet (7') to our side property line at its closest point. We and the Brooks have been neighbors for almost twenty years at this location, and we thereby support their request, realizing that to deny same could possibly lead to their moving, since the house as presently constructed no longer meets the needs of their family.

Sincerely,  
*Willard Kravitz*  
Willard Kravitz  
Bonnie Kravitz



**Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing**

PROPERTY ADDRESS: 7216 DEUBERG ROAD see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: EAST GREEN GATE  
plat book # 23, folio # 12, section # 2, block # 2

OWNER: MICHAEL & GAIL G. BROOKS

93-231-A

North  
date: 10-03-03  
prepared by: MJB

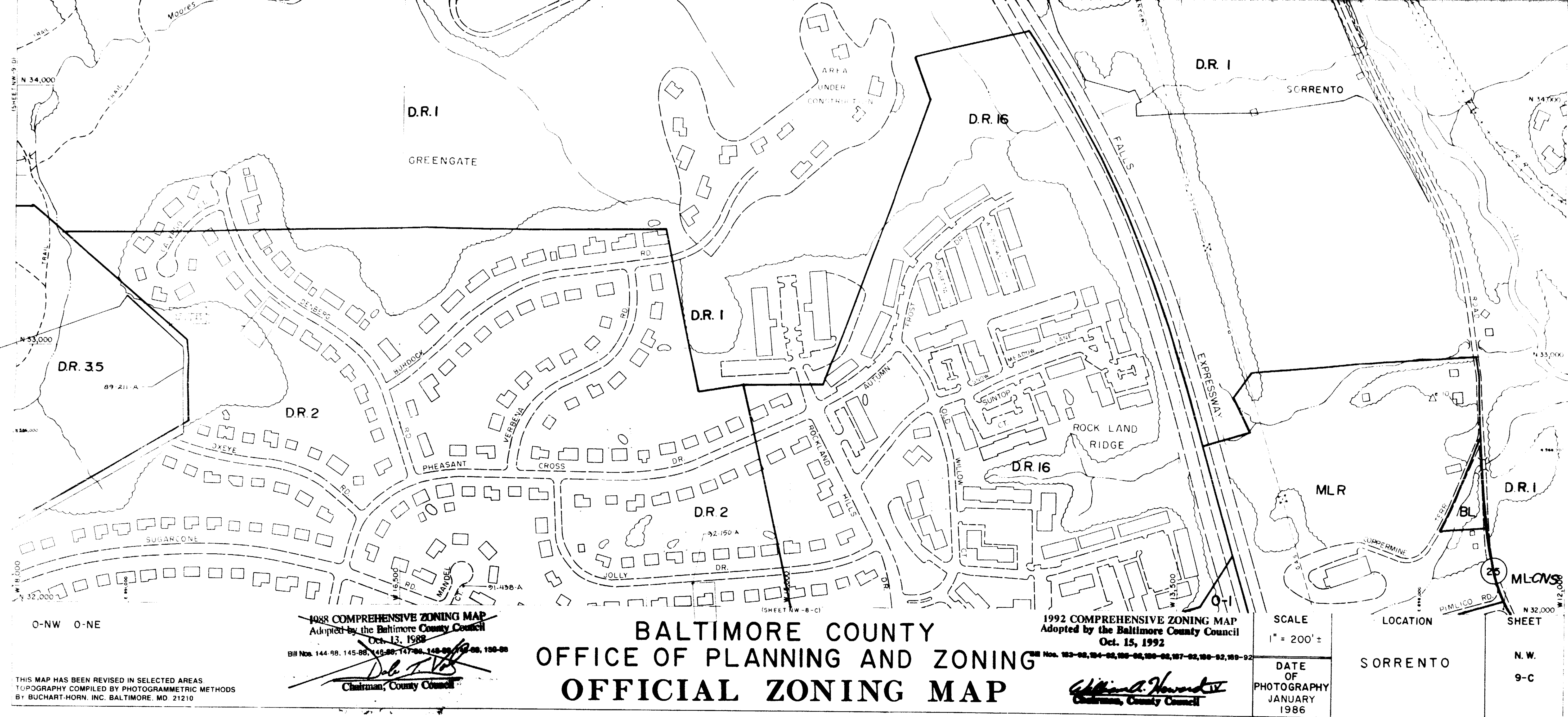
Scale of Drawing: 1" = 50'

**LOCATION INFORMATION**

Councilmanic District: SECOND  
Election District: 11th  
1"=200' scale map: NW-50  
Zoning: DR-2  
Lot size: 0.125 acreage 17,600 square feet

SEWER: ☐ ☐  
WATER: ☐ ☐  
Chesapeake Bay Critical Area: ☐ ☐  
Prior Zoning Hearings: N/A  
Petition No. 116-00-007827

**Zoning Office USE ONLY!**  
reviewed by: ITEM #: CASE#:



93-231-A



**BALTIMORE COUNTY**  
**OFFICE OF PLANNING AND ZONING**  
**PHOTOGRAPHIC MAP**

SCALE  
 1" = 200'±

LOCATION  
 SORRENTO

DATE  
 OF  
 PHOTOGRAPHY  
 JANUARY  
 1986

SHEET  
 N.W.  
 9-C

PREPARED BY AIR PHOTOGRAPHICS, INC.  
 MARTINSBURG, W.V. 25401

93-231-A